

**RESOLUTION NO. 04-411**

A RESOLUTION FINDING THAT THE STRUCTURE/S LOCATED ON LOTS 33-35, BLOCK 28, J.O. DAVIDSON'S SECOND ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS, COMMONLY KNOWN AS **323 NORTH MERIDIAN**, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE MADE SAFE AND SECURE OR REMOVED.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 13<sup>th</sup> day of January, 2004, file with the governing body of said City a statement in writing that a certain structure/s, hereinafter described, was/were unsafe and dangerous; and

WHEREAS, the governing body did by Resolution dated the 13<sup>th</sup> day of January, 2004 fix the time and place of a hearing at which the owner, his agent, any lienholders of record and any occupant of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolutions were published in the official City paper on the 15<sup>th</sup> and 22<sup>nd</sup> day(s) of January, 2004.

WHEREAS, on the 2<sup>nd</sup> day of March, 2004 and 10<sup>th</sup> day of August, 2004, this matter came back before the governing body for a hearing to determine whether the structure that is on the premises described herein is a dangerous building within the terms of Chapter 18.16 of the Code of the City of Wichita, Kansas, and/or K.S.A. 12-1750, et seq.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS:

1. The governing body, after hearing testimony submitted by the Superintendent of Central Inspection and by other interested parties, reviewing the file, and after being otherwise duly and fully informed, finds as follows:

(a) Proper notice was served upon all interested parties entitled thereto in all respects as provided for at K.S.A. 12-1750 et. Seq. and by Chapter 18.16 of the Code of the City of Wichita.

(b) The primary structure at issue is: A one and one-half story frame dwelling about 25 x 60 feet in size. Vacant for over 2 years, this structure has badly shifting basement walls with north side caving in; broken and missing siding shingles; rusted corrugated metal roof; deteriorated rear concrete porch and steps; and rotting fascia. Photographs of the structure and testimony of the Superintendent of Central Inspection are incorporated by reference herein as though fully set forth herein or attached hereto.

(c) The owner (owners) of record of the property are:

Terry L. Braman  
2517 W. 31st St. S.  
Wichita, KS 67217

Patrick F. Braman  
118 S. Byers  
Clearwater, KS 67026

Gary L. Braman  
Address Unknown

Marcus T. Braman  
Address Unknown

Micki Jo Braman  
335 N. Young  
Wichita, KS 67212

(d) There is nobody occupying the property and the lienholder(s) of record are:

Don Brace, County Clerk  
Sedgwick County Courthouse  
525 N. Main  
Wichita, KS 67203

Chris McElgunn, Attorney  
301 N. Main, Suite 1600  
Wichita, KS 67202

**Mortgage Holders:**

City of Wichita  
Neighborhood Improvement Services  
332 N. Riverview  
Wichita, KS 67203

**Agent:** None

**Interested Parties:** None

II. The structure on the property is found to be dangerous and unsafe and is found to constitute a public nuisance because of the following conditions:

A. Those which have been damaged by fire, wind, want of repair, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the

people of the city.

B. The structure fails to provide the necessities to decent living which makes it unfit for human habitation.

C. Those whose use, equipment or want of good housekeeping constitutes a decided fire or safety hazard to the property itself or its occupants or which presents a decided fire or safety hazards to surrounding property or a menace to the public safety and general welfare.

Based upon the findings set out above, the structure is declared to constitute a public nuisance.

III. The governing body, based on the findings set forth herein orders that the structure is hereby condemned:

(a) The governing body hereby directs that the structure is to be repaired or removed and the premises made safe and secure. Any extensions of time granted for repairs are provided that any back taxes are paid, the structure is kept secured and the premises remain free of debris and maintained. If any of these conditions are not met, staff is directed to let the structure for bids for demolition. The owner (owners) of such structure is/are hereby given 60 additional days from the date of August 10, 2004 to obtain financing for rehabilitation and complete exterior repairs, and if not done, then 10 days to start demolition and 10 days to complete.

(b) The governing body further directs that if such owner (owners) fails/fail to commence the demolition/repair of such structure within the time stated or fails to diligently prosecute the same until the work is completed, then the City Manager will cause the structure to be razed and removed and the cost of such razing and removing, less salvage value, if any, shall be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official City paper and a copy shall be mailed by certified mail to the owners, agents, lienholders and occupants within three (3) days after the first publication of the Resolution.

ADOPTED this 10<sup>th</sup> day of August, 2004.

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Carlos Mayans, Mayor

ATTEST: (SEAL)

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Karen Schofield, City Clerk